

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
EAST CENTRAL DIVISION

**1939 AGRICULTURAL CONSERVATION PROGRAM FOR
UPSHUR COUNTY, WEST VIRGINIA**

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of the said Act in 1939, payments and grants of aid will be made in Upshur County, West Virginia, for participation in the 1939 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of this bulletin are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact. The making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the final estimate of payments which would be made in Upshur County, West Virginia, under the 1939 Agricultural Conservation Program and the extent of participation in the 1939 Upshur County, West Virginia, Agricultural Conservation Program. As an adjustment for participation in the 1939 Upshur County Agricultural Conservation Program the rates of payment specified herein may be increased or decreased by as much as 10 per cent.

The provisions of the 1939 Agricultural Conservation Program as contained in this bulletin are applicable only in Upshur County, West Virginia.

Section 1.—SOIL-BUILDING GOALS

The soil-building goal for any farm shall be the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under Section 2. A number of units of practices equal to one-half of the number of dollars computed for the farm (under item 2 of Section 2) with respect to noncrop open pasture land are to be carried out on such pasture land.

Insofar as practicable, the county committee will determine for individual farms practices to be followed in meeting the goal, which are not routine farming practices, on the farm but which are needed on the farm in order to preserve and improve soil fertility and prevent erosion.

Section 2.—PAYMENT FOR FULL PERFORMANCE

Payment will be made with respect to any farm for achieving the soil-building goal in an amount which shall be the sum of the following:

- (1) 70 cents for each acre of cropland.
- (2) 25 cents for each acre of fenced noncrop open pasture land in the farm which is capable of maintaining during the

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normal pasture season at least one animal unit for each five acres of such pasture land.

Section 3.—PAYMENT FOR PARTIAL PERFORMANCE

The payment for any farm computed under the provisions of Section 2 shall be subject to all of the following deductions which are applicable to the farm:

- (1) \$1.50 for each unit by which the number of units of soil-building practices carried out on noncrop open pasture land is less than the number of units to be carried out on such pasture land as provided in Section 1.
- (2) \$1.50 for each unit by which the total soil-building goal is not reached, less any units on which deductions are made under item (1) of this Section 3.

Section 4.—SOIL-BUILDING PRACTICES

The soil-building practices listed below shall count toward reaching the soil-building goal, to the extent indicated, when carried out in the period November 1, 1938 to October 31, 1939, in accordance with good farming practice and the provisions of this bulletin.

Practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the AAA shall not count toward reaching the goal. If a part of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the AAA and such part represents one-half or more of the total cost of carrying out the practice, the practice shall not count toward reaching the goal; if such part represents less than half of the total cost of carrying out the practice, one-half of the practice shall count toward reaching the goal.

SCHEDULE OF SOIL BUILDING PRACTICES

A. Each of the following practices in the amounts specified shall be counted as one unit except that the materials specified in items 1, 2, and 3 shall not qualify if applied to perennial or biennial legumes, perennial grasses, or winter legumes seeded in connection with corn, vegetable crops, potatoes, or small grains harvested for grain or for hay after maturity:

1. Application of 240 pounds of 20 per cent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, or permanent pasture, provided that application on noncrop pasture land shall be counted only if such land has been treated since January 1, 1937, with a minimum of 1,000 pounds per acre of ground limestone, or equivalent, or lime was applied between January 1, 1934, and December 31, 1936, and tests show that lime is not required.

2. Application of 100 pounds of triple superphosphate furnished by the AAA as a grant of aid, to or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, or permanent pasture, provided that application on noncrop pasture land shall be counted only if such land has been treated since January 1, 1937, with a minimum of 1,000 pounds per acre of ground limestone,

or equivalent, or lime was applied between January 1, 1934, and December 31, 1936, and tests show that lime is not required.

3. Application of 200 pounds of 50 per cent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, or permanent pasture.

4. Application of 1,500 pounds of ground limestone (or its equivalent) when applied at a rate of not less than 1,000 pounds per acre.

For purposes of this item 4, 100 pounds of ground oyster shell, 150 pounds of limestone screenings, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

Ground limestone of which 90 per cent or more will pass through a 10-mesh sieve will be considered as ground limestone. Such material of which less than 90 per cent will pass through a 10-mesh sieve will be considered as limestone screenings.

5. Each acre seeded to approved red clover, alsike clover, sweet clover, white clover, bluegrass, or mixtures of perennial grasses and legumes containing any of such legumes; provided the land has been treated since January 1, 1938, with a minimum of 200 pounds per acre of 20 per cent superphosphate, or equivalent, and since January 1, 1937, with a minimum of 2,000 pounds per acre of ground limestone or equivalent, or lime was applied between January 1, 1934, and December 31, 1936, and tests show that lime is not required.

6. Each acre seeded to orchard grass, vetch, crimson clover, annual ryegrass, or mixtures of perennial grasses and legumes other than a mixture containing a legume listed in 5 above and a mixture consisting solely of timothy and redtop.

7. Each acre of green manure crops; soybeans, cowpeas, crimson clover, vetch, rye, barley, wheat, buckwheat, oats, Sudan grass, millet, sorghum, or mixtures of these crops, of which a good stand and a good growth is plowed or disced under as green manure.

8. Each two acres seeded to annual lespedeza, timothy, redtop, or a mixture consisting solely of timothy and redtop.

9. Each two acres of soybeans interplanted or grown in combination with soil-depleting crops, of which a good stand and good growth is plowed or disced under as green manure.

10. With prior approval of the county committee, each four acres of stripcropping with alternate strips of close-grown crops and intertilled crops.

B. Each acre of the following shall be counted as two units:

1. Seeding adapted varieties of alfalfa; provided the land has met the lime and superphosphate requirements determined by a soil test prior to seeding.

2. With prior approval of the county committee, improving a stand of forest trees under such approved system of farm woodlot management as is specified by the AAA.

C. Each acre of the following shall be counted as five units:

1. Planting forest trees, provided they are protected and cultivated in accordance with good tree-culture practice.

Section 5.—DIVISION OF PAYMENTS

The amount of payment earned for the farm shall be paid to the person who carried out the soil-building practices and who shared in the crops or livestock on the farm or is the owner of the farm. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices in 1939 the payment shall be divided in the proportion that the units contributed by each person bears to the total units contributed by all persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally to the units, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each person contributed thereto.

Section 6.—INCREASE IN SMALL PAYMENTS

The total payment computed under Sections 2 to 5, inclusive, for any person on any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 per cent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule;

Amount of payment computed:	Increase in payment	Amount of payment computed:	Increase in payment
\$1.00 to \$1.99-----	\$0. 40	\$32.00 to \$32.99-----	\$10. 40
\$2.00 to \$2.99-----	0. 80	\$33.00 to \$33.99-----	10. 60
\$3.00 to \$3.99-----	1. 20	\$34.00 to \$34.99-----	10. 80
\$4.00 to \$4.99-----	1. 60	\$35.00 to \$35.99-----	11. 00
\$5.00 to \$5.99-----	2. 00	\$36.00 to \$36.99-----	11. 20
\$6.00 to \$6.99-----	2. 40	\$37.00 to \$37.99-----	11. 40
\$7.00 to \$7.99-----	2. 80	\$38.00 to \$38.99-----	11. 60
\$8.00 to \$8.99-----	3. 20	\$39.00 to \$39.99-----	11. 80
\$9.00 to \$9.99-----	3. 60	\$40.00 to \$40.99-----	12. 00
\$10.00 to \$10.99-----	4. 00	\$41.00 to \$41.99-----	12. 10
\$11.00 to \$11.99-----	4. 40	\$42.00 to \$42.99-----	12. 20
\$12.00 to \$12.99-----	4. 80	\$43.00 to \$43.99-----	12. 30
\$13.00 to \$13.99-----	5. 20	\$44.00 to \$44.99-----	12. 40
\$14.00 to \$14.99-----	5. 60	\$45.00 to \$45.99-----	12. 50
\$15.00 to \$15.99-----	6. 00	\$46.00 to \$46.99-----	12. 60
\$16.00 to \$16.99-----	6. 40	\$47.00 to \$47.99-----	12. 70
\$17.00 to \$17.99-----	6. 80	\$48.00 to \$48.99-----	12. 80
\$18.00 to \$18.99-----	7. 20	\$49.00 to \$49.99-----	12. 90
\$19.00 to \$19.99-----	7. 60	\$50.00 to \$50.99-----	13. 00
\$20.00 to \$20.99-----	8. 00	\$51.00 to \$51.99-----	13. 10
\$21.00 to \$21.99-----	8. 20	\$52.00 to \$52.99-----	13. 20
\$22.00 to \$22.99-----	8. 40	\$53.00 to \$53.99-----	13. 30
\$23.00 to \$23.99-----	8. 60	\$54.00 to \$54.99-----	13. 40
\$24.00 to \$24.99-----	8. 80	\$55.00 to \$55.99-----	13. 50
\$25.00 to \$25.99-----	9. 00	\$56.00 to \$56.99-----	13. 60
\$26.00 to \$26.99-----	9. 20	\$57.00 to \$57.99-----	13. 70
\$27.00 to \$27.99-----	9. 40	\$58.00 to \$58.99-----	13. 80
\$28.00 to \$28.99-----	9. 60	\$59.00 to \$59.99-----	13. 90
\$29.00 to \$29.99-----	9. 80	\$60.00 to \$185.99-----	14. 00
\$30.00 to \$30.99-----	10. 00	\$186.00 to \$199.99-----	(1)
\$31.00 to \$31.99-----	10. 20	\$200.00 and over-----	(2)

¹ To \$200.00.

² No increase.

Section 7.—MATERIALS FURNISHED BY AAA TO CARRY OUT SOIL-BUILDING PRACTICES

If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such material to the Agricultural Adjustment Administration. The rate of such deduction for Upshur County shall be established by the Regional Director. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm on which such materials were used.

Material shall only be furnished pursuant to a producer's request and agreement upon a form prescribed by the Agricultural Adjustment Administration. Such agreement shall provide that (1) in the event the amount of deduction for materials exceeds the amount of the payment with respect to the farm, the amount of such difference shall be paid by the producer to the Secretary; (2) if the producer uses the materials in a manner which is not in substantial accord with the purposes for which such materials are furnished, the deduction with respect to the materials misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse; and (3) the finding of the county committee that the materials have been used in a manner which is not in substantial accord with the purposes for which materials are furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal.

Section 8.—GENERAL PROVISIONS

A. Payment restricted to effectuation of purposes of the program.—All or any part of any payment which otherwise would be made to any person under the 1939 Agricultural Conservation Program may be withheld;

(1) If he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program;

(2) If, with respect to forest land or woodland owned or controlled by him, he willfully burns over or allows to be burned over his woodland or any material portion thereof (failure to attempt to suppress any such woods fire will be considered as intentional burning), or clear-cuts or allows to be clear-cut his present stand of timber below a minimum diameter on the stump of approximately 10" for coniferous species, and approximately 14" for hardwood species except (1) where clear-cutting of undesirable species is followed by planting of forest trees of desirable species, (2) where the clearing is for needed cropland, or (3) other special cases approved by the county committee in accordance with instructions issued by the State committee. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

B. Deduction for Association Expenses.—There shall be deducted pro rata from the payments with respect to any farm all or such part

as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the Upshur County Agricultural Conservation Association.

C. Assignments.—Any person who may be entitled to any payment in connection with the 1939 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the AAA.

Nothing in the provisions of this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

D. Persons eligible to file applications for payment.—An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section 5, a share in the payment with respect to the farm may be computed.

E. Time and manner of filing application and information required.—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

F. Appeals.—Any person may request the county committee in writing to reconsider its determination with respect to any matter affecting the right to or the amount of his payment under the program, within 15 days after notice of the determination is forwarded to or made available to him. After reconsideration by the county committee, an appeal may be made to the State committee and to the Regional Director.

G. Instructions and forms.—The Agricultural Adjustment Administration will prepare and issue such instructions and forms as may be required in administering the 1939 Agricultural Conservation Program for Upshur County, West Virginia.

Section 9.—DEFINITIONS

For the purposes of the 1939 Upshur County, West Virginia, Agricultural Conservation Program:

Secretary means the Secretary of Agriculture of the United States.

Regional Director means the director of the East Central Division of the Agricultural Adjustment Administration.

East Central Region means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia and West Virginia.

State Committee means the group of persons designated within the State of West Virginia to assist in the administration of the 1939 Agricultural Conservation Program in the State.

County Committee means the group of persons elected within Upshur County to assist in the Administration of the 1938 Agricultural Conservation Program in the county.

Person means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

Farm means all adjacent or nearby farm land under the same ownership, which is operated by one person.

Cropland means farm land which in 1938 was tilled or was in regular rotation, excluding any land in commercial orchards.

Noncrop, Open Pasture means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

Animal Unit means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.

Done at Washington, D. C., this 3rd day of June, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

HARRY L. BROWN,
Acting Secretary of Agriculture.

